

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
-and- : **STATEMENT OF FEES &**
:
THE VULCAN SOCIETY, INC., for itself and on behalf of **EXPENSES**
:
its members, and MARCUS HAYWOOD, CANDIDO :
:
NUÑEZ and ROGER GREGG, individually and on behalf :
of a class of all others similarly situated, :
:
Plaintiffs-Intervenors, :
:
-against- :
:
THE CITY OF NEW YORK, :
:
Defendant. :
:
-----X

MARY JO WHITE, Special Master.

This eighth Statement of Fees and Expenses is submitted in accordance with the Court's June 1, 2010 Order Appointing Special Master (the "Appointment Order") (Dkt. No. 448, ¶ 14). The Appointment Order requires that:

Every 60 days, the Special Master shall submit to the court an itemized statement of fees and expenses, which the court will inspect for regularity and reasonableness. If the court determines the itemized statement is regular and reasonable, the court will sign it and transmit it to the parties. The City shall then remit to the Special Master any court-approved amount, within 20 calendar days of court approval.

(*Id.*)

The Special Master and her law firm have agreed to work on a pro bono basis and accordingly, there are no fees to be paid. For the period of July 26, 2011 through September 30, 2011, the Special Master has incurred expenses totaling \$1,589.28. An itemized list of the expenses is attached as Exhibit 1.

This statement also includes Dr. Pittman's fees and expenses for the months of August and September. For the month of August, her fees were \$15,160.70 and her expenses were \$1,473.16, for a total of \$16,633.86. For the month of September, Dr. Pittman's fees were \$9,187.50 and her expenses were \$1,719.60, for a total of \$10,907.10. Invoices for Dr. Pittman's fees and expenses are attached hereto as Exhibits 2 and 3. These fees fall within the projected monthly fees of between \$7,000 to \$17,000 stated in the Special Master's Application for Approval of Proposed Budget for Special Master's Expert Consultant (Dkt. No. 516), which was approved by the Court on September 3, 2010 (Dkt. No. 519).

Accordingly, the total expenses for the Special Master's work for this period were \$29,130.24. We respectfully request that that Court approve all of these expenses.

/s/ Mary Jo White

Mary Jo White

Dated: September 30, 2011

EXHIBIT 1

DEBEVOISE & PLIMPTON LLP

919 Third Avenue
New York, NY 10022
Tel 212 909 6000
Fax 212 909 6836
www.debevoise.com

***EASTERN DISTRICT OF NEW YORK-Special Master
Appointment***

09/30/2011

Invoice No.:1238749

Disbursements and Charges itemized for the period Jul 26, 2011 to Sep 20, 2011.

Detailed Breakdown of Charges and Disbursements

| Description | Amount |
|--|-------------------|
| Telephone Toll Calls, Conferencing & Outside Vendors | \$484.53 |
| Federal Express, DHL & UPS deliveries | \$41.19 |
| Duplicating and Binding | \$954.50 |
| Network Word Processing | \$41.80 |
| Lawyer Late Night Transportation | \$67.26 |
| Matter Total | \$1,589.28 |

EXHIBIT 2

Invoice for Services from:

The Pittman McLenagan Group, L.C.

6626-A Wilson Lane

Bethesda, MD 20817

301.320.9500

Tax Identification #: 52-1924078

PMG Contact:

Shane Pittman, Ph.D.

301-320-9500

Invoice to:

Philip A. Fortino

Debevoise & Plimpton LLP

919 Third Avenue

New York, New York 10022

Billing Hours for Client: NYC v US

Aug-11

| | | |
|----------------------------------|---|---------------|
| Project: | FDNY Entry Level Testing | NYCvUS Aug-11 |
| Invoice #: | | |
| Terms: | Net 15 | |
| Inv. Date: | 9/26/2011 | |
| Please Remit this Amount: | \$15,160.70 | |
| Remit to: | <u>The Pittman McLenagan Group, L.C.</u> 6626-A Wilson Lane Bethesda, MD 20817 | |

| Date | Project Description | Hours | Cost |
|-----------|---|-------|----------|
| 7/28/2011 | Call with experts | 1.00 | \$250.00 |
| 8/2/2011 | Call with C. Dike | 0.25 | \$62.50 |
| 8/2/2011 | Reviewed materials | 0.25 | \$62.50 |
| 8/2/2011 | Reviewed/responded to correspondence | 0.25 | \$62.50 |
| 8/2/2011 | Research analysis | 0.50 | \$125.00 |
| 8/3/2011 | Reviewed materials | 0.25 | \$62.50 |
| 8/3/2011 | Reviewed/responded to correspondence | 1.00 | \$250.00 |
| 8/4/2011 | Reviewed/responded to correspondence | 1.00 | \$250.00 |
| 8/5/2011 | Reviewed materials | 0.50 | \$125.00 |
| 8/5/2011 | Reviewed materials | 2.00 | \$500.00 |
| 8/5/2011 | Call with experts | 1.50 | \$375.00 |
| 8/5/2011 | Prepared materials | 1.00 | \$250.00 |
| 8/8/2011 | Reviewed materials; call with C. Dike | 1.00 | \$250.00 |
| 8/9/2011 | Call with P. Fortino | 0.25 | \$62.50 |
| 8/9/2011 | Call with experts | 1.00 | \$250.00 |
| 8/9/2011 | Reviewed materials | 1.00 | \$250.00 |
| 8/10/2011 | Call with P. Fortino | 1.00 | \$250.00 |
| 8/10/2011 | Reviewed materials; responded to correspondence | 1.00 | \$250.00 |
| 8/10/2011 | Reviewed materials | 1.00 | \$250.00 |
| 8/10/2011 | Reviewed materials | 1.50 | \$375.00 |
| 8/10/2011 | Reviewed materials | 0.25 | \$62.50 |
| 8/11/2011 | Reviewed materials | 0.25 | \$62.50 |
| 8/11/2011 | Call with Special Master, parties, experts | 1.25 | \$312.50 |
| 8/11/2011 | Reviewed materials | 1.00 | \$250.00 |
| 8/12/2011 | Call with experts | 1.00 | \$250.00 |
| 8/13/2011 | Reviewed/responded to correspondence | 0.50 | \$125.00 |
| 8/15/2011 | Reviewed materials | 0.50 | \$125.00 |
| 8/16/2011 | Call with experts | 1.00 | \$250.00 |

| | | | |
|-----------|--|-------|------------|
| 8/16/2011 | Call with C. Dike | 0.25 | \$62.50 |
| 8/17/2011 | Reviewed materials and correspondence | 0.75 | \$187.50 |
| 8/18/2011 | Reviewed materials | 0.75 | \$187.50 |
| 8/18/2011 | Reviewed materials; call with C. Dike | 1.00 | \$250.00 |
| 8/18/2011 | Reviewed materials; responded to correspondence | 1.50 | \$375.00 |
| 8/19/2011 | Call with experts (on hold and later cancelled) | 0.50 | \$125.00 |
| 8/21/2011 | Reviewed materials | 0.50 | \$125.00 |
| 8/22/2011 | Call with experts | 0.50 | \$125.00 |
| 8/22/2011 | Reviewed/responded to correspondence; reviewed materials | 0.75 | \$187.50 |
| 8/23/2011 | Reviewed materials | 0.50 | \$125.00 |
| 8/24/2011 | Meeting with experts | 11.50 | \$2,875.00 |
| 8/25/2011 | Meeting with experts | 9.00 | \$2,250.00 |
| 8/25/2011 | Reviewed materials | 0.25 | \$62.50 |
| 8/26/2011 | Call with Special Master, unions, parties, experts | 0.50 | \$125.00 |
| 8/26/2011 | Call with P. Fortino | 1.25 | \$312.50 |
| 8/30/2011 | Reviewed/responded to correspondence | 0.25 | \$62.50 |
| 8/30/2011 | Reviewed and researched materials | 1.00 | \$250.00 |
| 8/31/2011 | Reviewed materials; responded to correspondence | 1.00 | \$250.00 |

\$0.00

\$0.00

\$0.00

\$0.00

Expenses

54.75

\$1,473.20

\$15,160.70

EXHIBIT 3

Invoice for Services from:

The Pittman McLenagan Group, L.C.
6626-A Wilson Lane
Bethesda, MD 20817
301.320.9500
Tax Identification #: 52-1924078
PMG Contact:
 Shane Pittman, Ph.D.
 301-320-9500

Invoice to:
 Philip A. Fortino
 Debevoise & Plimpton LLP
 919 Third Avenue
 New York, New York 10022

Billing Hours for Client: NYC v US
 Sep-11

| | |
|----------------------------------|---|
| Project: | FDNY Entry Level Testing |
| Invoice #: | NYCvUS Sep-11 |
| Terms: | Net 15 |
| Inv. Date: | 9/30/2011 |
| Please Remit this Amount: | \$10,907.10 |
| Remit to: | <u>The Pittman McLenagan Group, L.C.</u> 6626-A Wilson Lane Bethesda, MD 20817 |

| Date | Project Description | Hours | Cost |
|-----------|--|-------|-------------|
| 9/1/2011 | Reviewed/responded to correspondence | 0.25 | \$62.50 |
| 9/1/2011 | Call with experts | 1.50 | \$375.00 |
| 9/7/2011 | Meeting with experts | 7.00 | \$1,750.00 |
| 9/8/2011 | Reviewed correspondence, materials | 1.25 | \$312.50 |
| 9/9/2011 | Call with experts | 2.00 | \$500.00 |
| 9/9/2011 | Meeting/call with Special Master, unions, experts, parties | 0.25 | \$62.50 |
| 9/10/2011 | Reviewed/responded to correspondence | 0.25 | \$62.50 |
| 9/12/2011 | Reviewed materials | 0.50 | \$125.00 |
| 9/15/2011 | Meeting with experts; observed session related to test development | 10.00 | \$2,500.00 |
| 9/19/2011 | Reviewed/responded to correspondence | 0.50 | \$125.00 |
| 9/19/2011 | Review various documents/respond to emails | 0.75 | \$187.50 |
| 9/20/2011 | Reviewed/responded to correspondence; reviewed materials | 1.00 | \$250.00 |
| 9/21/2011 | Reviewed materials | 0.50 | \$125.00 |
| 9/22/2011 | Reviewed/responded to correspondence | 0.50 | \$125.00 |
| 9/22/2011 | Meeting with experts | 1.25 | \$312.50 |
| 9/22/2011 | Meeting/call with Special Master, unions, experts, parties | 0.5 | \$125.00 |
| 9/21/2011 | Reviewed materials | 1.00 | \$250.00 |
| 9/23/2011 | Reviewed materials | 0.50 | \$125.00 |
| 9/26/2011 | Meeting with experts | 1.50 | \$375.00 |
| 9/26/2011 | Reviewed materials | 0.50 | \$125.00 |
| 9/26/2011 | Reviewed/responded to correspondence; reviewed materials | 0.50 | \$125.00 |
| 9/27/2011 | Reviewed materials | 0.25 | \$62.50 |
| 9/27/2011 | Reviewed materials | 0.50 | \$125.00 |
| 9/28/2011 | Call with experts | 1.25 | \$312.50 |
| 9/28/2011 | Call with C. Dike | 0.75 | \$187.50 |
| 9/30/2011 | Meeting with experts | 2.00 | \$500.00 |
| | | | \$0.00 |
| | | | \$0.00 |
| | Expenses | | \$1,719.60 |
| | | 36.75 | \$10,907.10 |